

## **Decision Notice**

### **Finding of No Significant Impact**

#### ***USDA Forest Service, Umatilla National Forest, Heppner Ranger District***

#### **West End OHV Project**

#### ***Grant, Morrow, and Wheeler Counties, Oregon***

### **Background**

On December 8, 2005, the Forest Service issued a national strategy to evaluate recreational motor vehicle use on National Forest System lands. This strategy is entitled *Travel Management – Designated Routes and Areas for Motor Vehicle Use* (Travel Rule). It revises several regulations to require designation of roads, trails, and areas for motor vehicle use on National Forests taking into consideration general and specific criteria for designation (36 CFR 212.55).

In response to the Travel Rule, the Heppner Ranger District initiated the West End Off Highway Vehicle (OHV) project. The purpose of this project is to re-evaluate the current access and travel management plan on a 91,000 acre area and identify adjustments necessary to improve the protection of natural resources and to comply with direction outlined in the Travel Rule.

The Heppner Ranger District has been operating under the *1992 Motorized and Access Travel Management Decision for the Heppner Ranger District* (1992 ATM Plan). This plan identified a large portion of the project area as an area where overland travel of Class I and III OHVs could continue as it had prior to implementing the 1992 ATM Plan. Nearly two-thirds of the area (61,000 acres) is open to cross country travel which is not consistent with the intent of the Travel Rule.

Also in response to the Travel Rule, the Umatilla National Forest completed an engineering analysis to evaluate mixed use on all roads in 2008. This was completed in order to evaluate public safety (36 CFR 212.55(c)) and as a result several roads (open to both OHV and highway legal motor vehicles) in the project area were closed to OHV use (project record). These administrative closures were implemented in the 2009 field season. Following the implementation of the mixed use analysis the project area has 207 miles of open road designated for Class I, II and III use. The West End OHV Project proposes no adjustment to these 207 miles of currently open roads. Previous administrative decisions regarding travel management that are in compliance with the Travel Rule may be incorporated into the designation of roads, trails and areas for travel management in the project area (36 CFR 212.50 (b)).

The West End OHV project focuses on changes to the current travel management that

may not be in compliance with the Travel Rule and will be incorporated into the overall designation of National Forest system roads, National Forest system trails and areas on National Forest lands. After these roads, trails and areas are designated and identified on a motor vehicle use map, including the class of vehicle and time of year, use other than in accordance with these designations is prohibited (36 CFR 261.13).

### **Decision and Rationale (36 CFR 220.7 (c)).**

Based on my review of the information documented in the West End OHV Environmental Assessment (EA), the Finding of No Significant Impact, public comments, and other documents contained in the project file, I have decided to implement Alternative 5 for the designation of an off highway vehicle<sup>1</sup> (OHV) system on the west end of the Heppner Ranger District.

In making the decision to implement Alternative 5, I am incorporating the following adjustments to the current Access and Travel Management plan on the west portion of the Heppner Ranger District. This decision is specifically related to the off highway vehicle (OHV) use within the 91,000 acre West End OHV project area.

- The designation of the 61,000 acre area is changed from designated open to designated closed to cross country travel.
- Approximately 13 miles of existing closed roads are designated as motorized trails for Class I and Class III OHV use.
- Approximately 8 miles of existing closed roads are designated as seasonally open motorized trails for Class I and Class III OHV use within winter range. These trails will be open between the dates of April 16 to November 30 consistent with guidelines in the Umatilla Forest Plan management area (MA) -C3, winter range.
- Construction of approximately 5 miles of new motorized trails for Class I and Class III OHV routes to provide logical connections to existing routes.
- The designation of roads within the Bull Prairie Campground and administrative site is changed from designated open to designated closed to OHV use.

My decision is consistent with 36 CFR 212.51. The following vehicles or uses are exempt from this decision to limit OHV travel to the designated system: aircraft, watercraft, over-snow vehicles, administrative and emergency use, law enforcement, or military defense.

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<sup>1</sup> OHV use within the project area refers to the following OHV vehicle descriptions:

**Class I** – (quads, 3- wheelers) vehicles 50 inches or less in width, dry weight of 800 pounds or less, has a saddle, and travels on three or four wheels.

**Class II** – (Jeeps, Sand Rails, SUVs, Side X Sides, etc) vehicles wider than 50", and dry weight of more than 800 pounds.

**Class III** – (motorcycles) vehicles on two tires, dry weight less than 600 pounds.

The decision is described in detail in Chapter 2 (pages 19 thru 42) and displayed in Maps 5 and 7 in Appendix A of the EA.

The EA for the West End OHV Project on the Heppner Ranger District was prepared pursuant to the requirements of the National Environmental Policy Act, the National Forest Management Act, other relevant Federal and State laws and regulations, and the *1990 Umatilla National Forest Land and Resource Management Plan* (Forest Plan). The EA documents the analysis for the no action alternative and four action alternatives designed to meet the purpose and need for the project and the consideration of ten other alternatives that were not fully analyzed because they either did not meet the purpose and need or they were outside the scope of this project.

I considered but did not select Alternative 1 because the potential effect to resources on the 61,000 acre area where cross country travel was allowed is too great. Cross country travel would continue to disturb big game, potentially lead to increased user conflicts in the Bull Prairie Campground, and continue to perpetuate the potential for user conflicts throughout the project area. I also believe that not having a designated system that can be identified on the ground would result in reduced compliance, reduced monitoring effectiveness, and increased maintenance cost. Lastly I did not select Alternative 1 because I believe the 61,000 acre area where cross country travel would be allowed would not be consistent with the Travel Rule's objective to minimize effects to forest resources, wildlife habitat, and conflicts between other recreational uses.

I considered Alternatives 2 and 4 but did not select either of these alternatives because they were not as responsive to many of the issues including: big game and other wildlife disturbances; potential impacts to soil erosion, water quality, and fish habitat; and the potential for noxious weed establishment and spread as Alternative 5. I also considered the impacts to other non-motorized recreational users and the potential for conflicts between users and I believe that Alternative 2 and 4 do not reduce the potential impacts between these user groups as effectively as Alternative 5. I further believe that Alternative 4 would not manage OHV use to minimize conflicts in the Bull Prairie Campground to the same level Alternative 5 does.

I considered but did not select Alternative 3 because it did not provide logical connections around mixed use restrictions and resulted in isolated riding areas, dead end routes, and limited riding opportunities for motorized users. I believe reducing Class I and III OHV access to this level would have resulted in lower compliance and increased risk to resources over the selected alternative.

### **Response to Purpose and Need**

The purpose of this decision is to designate a system of roads, trails and areas for OHV use consistent with the Travel Rule that can be successfully implemented. I find that the decision is responsive to the needs of this project (EA, page 6).

The decision results in the West End OHV having a designated system for OHVs and "undesignates" 61,000 acres as open to cross country travel. This meets the purpose and need objectives of bringing the area into consistency with the Travel Rule.

The decision results in a system of roads and trails that reduces the potential for impacts to resources from unregulated cross country travel and fulfills the purpose and need

objectives described for the project. By designating an OHV route system throughout the project area and eliminating cross country travel on the 61,000 acres the potential for impacts from OHV use is reduced. The potential for the spread of noxious weeds, sedimentation, impacts to water quality and fish habitat, and the disturbance of big game habitat are all reduced to near minimum levels considering the current open road system in the project area (EA, Chapter 3). Although, each of the action alternatives addressed this need to varying extents, I find that Alternative 5 provides a reasonable balance for motorized and non-motorized recreation opportunity while still meeting the objective to reduce the potential for impacts to resources from cross country travel.

The decision addresses concerns associated with the disturbance of big game in the general forest area. The decision reduces overall motorized trail densities within the general forest area of the Fossil Big Game Unit to only one tenth of a mile above that of the open road density and provides nearly the maximum acres of security habitat (EA pages 37 and 68). Although the decision does not provide as much protection from disturbance to elk as Alternative 3, I find that it does address the purpose and need objective and is a significant improvement from the no action alternative. The decision is more responsive to this need than Alternatives 2 and 4.

The decision alleviates the potential for user conflicts within the Bull Prairie Campground and administrative site. The developed campground attracts a wide range of recreational users and I find that if an OHV trail were designated through the developed site that there would continue to be conflict between motorized and non-motorized users. As OHV use has increased and the area continues to draw more OHV enthusiasts every year I believe it is time to reduce potential conflicts between users of the Bull Prairie Campground. The decision complies with the Forest Plan to minimize potential conflicts between these two user groups. The designated system would result in opportunities for recreational riders to enjoy the National Forest with riding trails that are in the general vicinity of the developed campground.

I have coordinated with other federal, state, county, and tribal governments in the development of the proposed OHV system. The decision results in a designated system of roads and trails that provides loop trail options and logical connections to the Morrow/Grant County OHV Park (OHV Park) that is adjacent to the National Forest. The OHV Park is the only other public land that provides the opportunity for OHV connections to the project area at this time. In addition, the decision results in consistent regulations between the OHV Park and National Forest System lands adjoining the park.

The decision, combined with the existing designated OHV system, is consistent with the Travel Rule.

### **How issues were considered**

One of the primary issues used in alternative development was the desire of some members of the public to have motorized recreational opportunities, and conversely other members of the public to have areas to enjoy a non-motorized recreational experience. I recognize that both of these interests are valid uses of public lands and considered the impacts of the decision on both of these interests. I find that Alternative 5 provides a good balance of opportunities for both recreational interests. The decision designates a system of trails where Class I and Class III OHV riders can enjoy use of the public lands

without the interaction of highway legal vehicles. My decision still provides for motorized access and should meet the public needs for motorized recreation in the project area (EA, page 51). In addition the decision increases the opportunity for users seeking a sense of naturalness and solitude by increasing the area that will no longer be used for motorized recreation. (EA, pages 59, 112, and 113).

Another primary issue used in alternative development was related to big game. Rocky Mountain elk herds in the project area are of great importance to the State of Oregon's Fossil and Heppner big game hunting units. I considered how reducing disturbance resulting from cross country travel and designating an OHV trail system would ultimately reduce disturbance to big game throughout the year as well as increase hunting opportunities on public lands. The Oregon Department of Fish and Wildlife's ability to meet elk management objectives in the Heppner and Fossil units would be improved as a result of the decision (EA, page 70). I considered how each alternative would improve the big game situation and determined that the decision provided the best possible balance of reduced disturbance to big game while still providing opportunities for OHV use in the project area.

I considered the potential effects on wildlife species and their habitat in the project area. The analysis determined that conditions would improve in both direct disturbance and habitat disturbance under all of the action alternatives with the scale of that disturbance directly related to the miles of designated OHV trails. I feel that reducing disturbance throughout the project area is important in maintaining habitat and species diversity. The decision balances the concerns of direct disturbance to species while still providing recreational opportunities for OHV users.

Designating routes for OHV travel and "undesignating" the area as open to cross country travel will help prevent ground disturbance in new areas and associated effects and risks to soil, water, and fisheries (EA, page 93). Recovery of the concentrated use areas will lead to a reduction of sediment inputs, an increase in riparian vegetation and stream shade, and a reduction in stream bank disturbance from eliminating OHVs fording streams (EA, page 100).

It is expected that OHV related soil erosion and stream sedimentation would decrease in approximate proportion to the decrease in miles of routes available for OHV use (EA, page 97). The newly designated trails are all existing roads with existing crossing structures and will not lead to additional sediment entering creeks over the existing condition (EA, page 100). None of the new routes would be constructed in RHCA's. There would be no new stream crossings required (EA, page 97). Overall the decision greatly reduces the potential for impacts to soils, water, and aquatic species and their habitat.

I considered the effects of cross country travel and the indiscriminate use of closed roads for OHV riding a concern to sensitive plants and archaeological sites known to occur in the project area. The decision would likely be beneficial to the arrowleaf thelypody and the Bolander's spikerush populations located in the project area (EA, page 106) and would also help protect all known archaeological sites through avoidance by eliminating cross country travel and designating a OHV system of roads, and trails.

I considered the risk of introducing and spreading noxious weeds both throughout the

project area and across land ownerships. Because most of the noxious weed sites are found along road corridors (EA, page 106) it is important to reduce the spread of these known weeds. Implementation of the decision would reduce the risk of introducing invasive plant infestations from cross country travel (EA, page 106). I considered the connections to the OHV Park and the potential to spread noxious weeds between the two areas. Because the OHV Park is very proactive in weed prevention and treatment I found no reason to eliminate connections to the OHV Park associated with the decision (EA, page 109).

Identifying a designated route throughout the project area would increase the effectiveness and ease of monitoring OHV use and the effects on resources (EA, pages 93, 108, and 117). Monitoring plans are described in the EA (page 36). In accordance with the Travel Rule, monitoring of the effects of motorized vehicle use on designated roads and trails, consistent, with the applicable land management plan, will be conducted as appropriate and feasible. (36 CFR 212.57).

I expect that adjustments may occur through time based on our experience with implementation. Certain routes may be administratively closed to address unforeseen resource damage resulting from changes in use or conditions on the ground, additional modifications to this designated system may occur under future analysis decisions as necessary. Future analysis may occur over time.

I considered how identifying a designated system for motorized opportunities and restrictions would be more effectively and comprehensively communicated to OHV users, non-motorized recreationists, and law enforcement. I also considered the benefit of identifying a designated OHV system in the project area and how this would provide consistency across all adjacent public lands and the rest of the Heppner Ranger District (EA, page 115). I considered how added connections would be important in OHV user compliance. I believe the decision provides forest users with an OHV system that can be identified both on the ground and on a motor vehicle use map thereby increasing overall compliance and ease of enforcement.

### **Public Involvement (36 CFR 220.7(c)).**

The Heppner Ranger District initiated public dialogue to evaluate options to designate roads, trails or areas for OHV use on the west side of the District in September of 2006. Information was shared and received through public meetings, newsletters, a project website, written correspondence, and telephone calls. The proposed action was developed after 18 months of collaborative efforts with federal, state, county, and tribal agencies, motorized and non-motorized recreation user groups, conservationists, hunters and interested individuals.

The no action and the proposed action were scoped with the individuals, agencies, and groups in February 2008. Thirty-three comment letters and phone calls were received. Using the comments from the public, other agencies, and organizations, the interdisciplinary team identified several issues regarding the effects of the proposed action (EA, pages 14 thru 16). Main issues of concern included:

- The reduction of OHV access opportunities in the project area.
- The effects of designating routes to individuals desiring non-motorized

recreational opportunities.

- The effects of designating routes on wildlife and seasonal habitat areas.

To address these concerns, the Forest Service considered thirteen additional alternatives described in Chapter 2 of the EA. Three alternatives were fully developed and analyzed and 10 other alternatives were considered but not fully developed because they were beyond the scope of the decision or did not meet the purpose and need of the project. A more detailed discussion can be found in Chapter 2 of the EA (pages 22-32 and 33-35).

The EA including alternative descriptions was made available to the public in December 2008. The 30 day comment and review period began January 2, 2009. Public meetings were once again held in local communities of Fossil, Monument, and Heppner to answer any questions individuals had about the proposed action or alternative actions that were developed and analyzed in the EA. Over 189 comment letters were received during the 30 day comment period.

A complete record of public participation and scoping activities is documented in the project record, on file at the Heppner Ranger District and summarized in Chapter 1 of the West-End OHV EA.

### ***Finding of No Significant Impact***

I have considered the Council on Environmental Quality (CEQ) regulations for significance (40 CFR 1508.27) and have determined that this decision is not a major Federal action that will significantly affect the quality of the human environment, either individually or cumulatively. Preparation of an Environmental Impact Statement pursuant to Section 102(2)(c) of the National Environmental Policy Act is not required. This determination is based on the following factors, as outlined in 40 CFR 1508.27.

#### **This decision is limited in geographic application (40 CFR 1508.27(a)).**

My decision regulates but does not eliminate OHV use on about 91,000 acres of the nearly 1.4 million acres of the Umatilla National Forest. My decision eliminates cross country travel and adds 26 miles of designated trail to the existing 207 miles of designated roads for OHV use within the project area.

#### **This decision does not cause significant beneficial or adverse impacts (40 CFR 1508.27(b)(1)).**

This decision will not initiate new actions within the project area but will identify specific locations where the actions may occur. OHV use has been occurring within the project area. This decision will limit OHV use to a designated system of roads and trails. I don't find this decision to restrict cross-country OHV travel to have a significant effect since OHV travel will continue to occur on both the open and closed road system in the project area. In addition the rest of the Heppner Ranger District and Umatilla National Forest have been operating under a designated OHV trail system with good results.

Restricting OHV travel to established routes will prevent ground disturbance in new areas. This will effectively halt the current trend of increasing ground disturbance and associated effects and risks to soil, water, fisheries, landscape characteristics, and noxious weed spread (EA pages 92, 94, 98, 106, and 110).

Restricting OHV travel within the Bull Prairie Campground does not eliminate OHV riding opportunities because this decision does provide OHV routes in the vicinity of the campground. OHV riders are not restricted from using the campground. Because this decision does not designate a riding trail through the developed campground, the operations of OHVs within the campground would be restricted (Decision map).

**This decision does not significantly affect public health or safety (40 CFR 1508.27(b)(2)).**

This decision will have a minor benefit to public health and safety. Restricting motorized travel to existing routes may increase user density on the designated system but will reduce the likelihood that individual will travel into unknown areas or on risky terrain. In addition, designating 26 miles of motorized trails and constructing 5 miles of new trails will provide opportunities for Class I and III OHV use to riders in areas closed to larger vehicles.

**This decision does not significantly affect any unique characteristics of the area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas (40 CFR 1508.27(b)(3)).**

The decision will not affect these features. Restricting OHV travel to existing routes will lessen the risk of future damage. (EA, Chapter 3 pages 110, 111, 118, and 122)

**This decision does not cause effects on the quality of the human environment that are likely to be controversial (40 CFR 1508.27(b)(4)).**

As indicated by the comments received there are differing opinions in the community on the importance of maintaining or reducing the existing level of OHV access in the area. Most public comments indicated some level of support with only a few being totally opposed (Project file, Scoping 30-Day Comment Period Comments). Although opinions on the use of the area differ the comments did not scientifically disagree with the effects of the analyses. The decision is a change in the location of OHV use but still allows OHV access throughout the project area. Resources are maintained with less risk of future problems (EA pages Wildlife 63-91, Soils – 93, Hydrology – 98, Aquatics – 100, 103, Botanical – 106, Noxious weeds – 109, Cultural Resources – 110, Landscape Characteristics - 113).

**This decision does not establish any possible effects on the human environment that are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)).**

Implementing travel management restrictions is a straightforward process involving changing maps, signing, informing the public of the access change, and law enforcement. The Forest implements these kinds of changes on a routine basis. The roads and trails designated in this decision have been used for motorized recreation and will continue to be used for those purposes (EA page 46). The rest of the Heppner Ranger District has a designated OHV system. This is not a new process and it does not involve unique or unknown risks.

**This decision does not establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration (40 CFR**



**1508.27(b)(6)).**

This is a project level decision for a 91,000 acre area of the Heppner Ranger District. The nature of this decision is not precedent setting, nor does it present a precedence for any future decisions as the designations of routes and areas for motorized use have been and will continue to be carried out on any National Forest to help achieve management goals and other public interests. Closed roads designated as Class I and III OHV trails will remain on the transportation system as closed roads. The designation as an OHV trail does not constrain future options to change maintenance level 1 roads to maintenance level 2 roads for resource management. Any future route or area designations would be subject to full NEPA analysis and public involvement, and consideration on their own merits.

**This decision is not related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts (40 CFR 1508.27(b)(7)).**

As documented in Chapter 3, few direct and indirect effects are likely to result from the designation of OHV routes and none would combine with the effects of other past, present, or reasonably foreseeable future actions to a significant extent.

**This decision does not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historical resources (40 CFR 1508.27(b)(8)).**

The project was reviewed and determined to have no effect on any historic properties (EA, page 110).

**This decision does not adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (40 CFR 1508.27(b)(9)).**

Biological evaluations were completed and contain determinations that the project will have (EA page 75, 102, and 104):

- ***no effect*** for *Silene spaldingii* and gray wolf
- ***beneficial, not likely to adversely affect*** for both Mid-Columbia steelhead, their habitat, and Chinook salmon habitat
- ***no impact*** for Arrow leaved Thelypody, Bolander's spikerush, California wolverine, Columbia spotted frog, Northern bald eagle, Lewis' woodpecker, and white-headed woodpecker.
- ***beneficial, may impact*** interior redband trout.

**This decision does not threaten to violate any Federal, State, or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).**

The project is designed to meet all applicable Federal, State, and local laws (EA page 116

thru 122).

### **Findings required by other laws and regulations applicable**

This decision to designate trails for OHV use and reduce user conflict within the Bull Prairie Campground is consistent with the intent of the Forest Plan's long term goals and objectives (Forest Plan, pages 4-1 to 4-3 and 4-15 to 4-46). The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for recreation, cultural, soils and vegetation, water, wildlife habitat, riparian and fisheries habitat, transportation and management area guidelines (Land and Resource Management Plan, pages 4-47 to 4-195). I have found that this project is consistent with the 1990 Land and Resource Management Plan for the Umatilla National Forest (EA, pages 120 thru 121).

### **Expected implementation date**

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

### **Administrative review or appeal opportunities**

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215.

The appeal must be filed (regular mail, fax, email, hand-delivery, express delivery or messenger service) with the Appeal Deciding Officer: Kevin Martin, Forest Supervisor, USDA Forest Service, ATTN: Appeals Office, PO Box 3623, Portland, Oregon 97208-3623

The location for hand-delivery: 333 SW 1st Ave, Portland, OR. Send faxes to: 503-808-2255. The office business hours for those submitting hand-delivered appeals are: 7:45 am to 4:30 pm Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to [appeals-pacificnorthwest-regional-office@fs.fed.us](mailto:appeals-pacificnorthwest-regional-office@fs.fed.us). In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of the notice of decision in the *East Oregonian*, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the *East Oregonian*, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations who submitted substantive comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

### **Contact information**

For additional information concerning this decision or the Forest Service appeal process,

contact Janet Plocharsky, District Environmental Coordinator, Heppner Ranger District, Umatilla National Forest, 117 South Main, PO Box 7, Heppner, OR and (541) 676-2148.

/s/ Tom Mafera

THOMAS E MAFERA  
District Ranger  
Heppner Ranger District

August 24, 2009

Date

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